

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SVV TECHNOLOGY INNOVATIONS INC.

Plaintiff,

v.

ACER INC.,

Defendant.

Case No. 6:22-cv-640-ADA

DEFENDANT’S NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to Federal Rule of Civil Procedure 15(d), Defendant Acer Inc. submits this notice of supplemental authority to alert the Court to new authority bearing on the issues raised in Plaintiff’s Motion for Judgment as a Matter of Law (Dkt. 185), Motion for New Trial or Remittur (Dkt. 186), and related responses (Dkts. 192, 193) and replies (Dkts. 197, 198).

The Federal Circuit in *EcoFactor, Inc. v. Google LLC*, No. 2023-1101, 2025 WL 1453149 (Fed. Cir. May 21, 2025)¹ analyzes issues that are contested in this matter including: (1) differences between a lump-sum license and a running-royalty license and (2) whether sufficient facts or data support a damages expert’s testimony that both licensor and licensee would agree to a specific royalty rate.

Defendant contends that the recent opinion in *EcoFactor* may be helpful to the Court given the relevancy of the issues to be decided in this matter.

¹ Attached hereto as Exhibit A.

Dated: May 29, 2025

Respectfully submitted,

/s/ Eric H. Findlay

Eric H. Findlay
State Bar No. 00789886
Findlay Craft, P.C.
7270 Crosswater Avenue
Suite B
Tyler, Texas 75703
Tel: (903) 534-1100
Fax: (903) 534-1137

Jacob A. Schroeder (*pro hac vice*)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
3300 Hillview Avenue
Palo Alto, California 94304
jacob.schroeder@finnegan.com
Tel: (650) 849-6600
Fax: (650) 849-6666

Benjamin A. Saidman (*pro hac vice*)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
271 17th Street, NW, Suite 1400
Atlanta, GA 30363-6209
benjamin.saidman@finnegan.com
Tel: (404) 653-6510
Fax: (404) 653-6444

Milan F. Feliciello (*pro hac vice*)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, N.W.
Washington, D.C. 20001
milan.feliciello@finnegan.com
Tel: (202) 408-4000
Fax: (202) 408-4400

Craig Kaufman (*pro hac vice*)
TECHKNOWLEDGE LAW GROUP LLP
20660 Stevens Creek Blvd., Suite 381
Cupertino, CA 95014
ckaufman@tklg-llp.com
Tel: (650) 517-5200
Fax: (650) 562-8054

Attorneys for Defendant Acer, Inc.

CERTIFICATE OF SERVICE

I certify that on May 29, 2025, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system pursuant to Local Rule CV-5(c), which will send a notification of such filing (NEF) to all counsel of record.

/s/ Eric H. Findlay
Eric H. Findlay